

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTH DISTRICT OF TEXAS  
AMARILLO DIVISION**

**SILVIA GARCIA RODRIGUEZ, As  
Administrator of the ESTATE of  
MARCO ANTONION GALVAN and  
Individually on behalf of All Statutory  
Death Beneficiaries of MARCO  
ANTONIO GALVAN, and as Next of  
Friend to M.M.G.G.**

**Plaintiff,**

**v.**

**BLAINE LARSEN FARMS, INC.**

**Defendant.**

**CASE NO.:** 2:21-cv-53

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. §§ 1332(a), 1441(a) and 1446, BLAINE LARSEN FARMS, INC. (“Defendant”) files its Notice of Removal to the United States District Court for the Northern District of Texas, Amarillo, Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows the following.

**I. STATE COURT ACTION**

1. On February 22, 2021, Plaintiff SILVIA GARCIA RODRIGUEZ (“Plaintiff”) filed her Original Petition as Administrator of the ESTATE of MARCO ANTONION GALVAN and Individually on behalf of All Statutory Death Beneficiaries of MARCO ANTONIO GALVAN, and as Next of Friend to M.M.G.G. in Case No. 5422H, in the District Court of Hartley County, State of Texas. A true and correct copy of Plaintiff’s Original Petition is attached hereto as Exhibit “1.”

2. The Summons and Original Petition were served upon Defendant on February 23, 2021, through its registered agent. A true and correct copy of the Officer's Return is attached hereto as Exhibit "2."

3. Defendant filed its Original Answer on February 26, 2021. A true and correct copy of Defendant's Original Answer is attached hereto as Exhibit "3."

4. The Docket Sheet for the Case No. 5422H in the 69th Judicial District Court in Hartley County, Texas is attached hereto as Exhibit "4."

## **II. PROCEDURAL STATEMENTS**

5. This Notice of Removal is filed within thirty (30) days of receipt of the Plaintiff's Original Petition and is timely pursuant to 28 U.S.C. § 1446(b).

6. Venue is proper in this District for the reason that Plaintiff's Original Petition was filed in Hartley County, Texas, which is within the Amarillo Division of the Northern District of Texas. 28 U.S.C. § 124(d)(2).

## **III. BASIS FOR REMOVAL**

This action is removed pursuant to 28 U.S.C. § 1441(a) as an action involving a controversy wholly between a citizen of a State and a citizen of a foreign state in which the amount of controversy exceeds the sum of \$75,000. 28 U.S.C. §§ 1332(a)(2), 1441(a), and 1446.

### **A. Diversity of Citizenship**

7. In her Original Petition, Plaintiff avers that she is a resident of Mexico.

8. Defendant is an out-of-state corporation, with its principal place of business in the State of Idaho.

9. Complete diversity of citizenship therefore exists between Plaintiff and Defendant.

**B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction**

10. The amount in controversy in this action exceeds the sum of \$75,000, exclusive of interest and costs. According to her Original Petition, Plaintiff intends to request that the jury award monetary damages in excess of \$1,000,000. Accordingly, it is facially apparent from Plaintiff's Original Petition that the amount in controversy exceeds \$75,000.

**IV. SUPPLEMENTAL JURISDICTION**

11. The jurisdiction of this Court being original, the cause is removable from the state court pursuant to 28 U.S.C. § 1441(a) and (b). Further, the Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

**V. NOTICE TO PLAINTIFF AND STATE COURT**

12. A copy of this Notice of Removal is being filed this date with the Clerk of the above-referenced state court, in accordance with the requirements of 28 U.S.C. § 1446(d).

13. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

14. Promptly after Defendant files this Notice of Removal, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

15. Promptly after Defendant files this Notice of Removal, a true and correct copy of same will be filed with the Hartley County District Clerk pursuant to 28 U.S.C. §1446(d).

**VI. CONCLUSION AND PRAYER**

Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal Defendant BLAINE LARSEN FAMRS, INC. hereby removes this case to this Court for trial and determination.

WHEREFORE, Defendant BLAINE LARSEN FAMRS, INC. gives notice that the above-entitled action now pending in the District Court of Hartley County, State of Texas, is hereby removed to this Court.

Dated this 22nd day of March, 2021.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT  
BLAINE LARSEN FARM, INC.**

**CERTIFICATE OF SERVICE**

I certify that on this the 22nd day of March 2021, this Notice of Removal was filed in the United States District Court for the Northern District of Texas, a true and correct copy of said Notice of Removal was served upon the above-named Plaintiff through the State Court's electronic filing system, and further that a copy of said Notice of Removal was delivered to the District Court Clerk of the Hartley County District Court for filing.

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